



Ct. 370 17. C.

Motion Papers.

Filed Oct. 19, 1896.

Office Supreme Court, U. S.

OCT 19 1896

JAMES M. HARRIS, CLERK.

Supreme Court of the United States, 1

OCTOBER TERM, 1896.

FRANKLIN SUGAR REFINING COM-
PANY,

Libellant, Appellant,

vs.

The Steamship "SILVIA,"

Red Cross Line,

Claimant, Appellee.

No. 370.

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NOTICE OF MOTION.

Sirs,—Please take notice that a motion will be made at the opening of court, on Monday, October 19, 1896, that the above entitled cause be advanced and set down for hearing at some day to be fixed by the Court.

Dated New York, October 9, 1896.

Yours, &c.,

CONVERS & KIRLIN,
Proctors for Claimant, Appellee. 3

To Messrs. COWEN, WING, PUTNAM & BURLINGHAM,
Proctors for Appellant.

4 SUPREME COURT OF THE UNITED STATES,

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MOTION TO ADVANCE.

To the Supreme Court of the United States :

Comes now the appellee, and upon the annexed petition, moves this Honorable Court that the above entitled cause be advanced and set down for argument at some day to be fixed by the Court.

J. PARKER KIRLIN,
Of Counsel.

6 NEW YORK, Oct. 9, 1896.

SUPREME COURT OF THE UNITED STATES, 7

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TO THE HONORABLE THE JUSTICES OF THE SUPREME
COURT OF THE UNITED STATES:

The petition of the Red Cross Line, claimant and appellee, respectfully shows, as follows:

This cause was brought into this court upon a writ of *certiorari* issued to the Circuit Court of Appeals, for the Second Circuit, upon the application of the appellant, at the last term of Court. The question involved was as to whether the claimant of the steamship *Silvia* was absolved from responsibility for damage to a cargo of sugar while on a voyage from Cuba to Philadelphia, by reason of the provisions of the act of Congress, approved February 13, 1893, "Relating to the navigation of vessels, bills of lading and to certain obligations, duties, and rights in connection with the carriage of property," and commonly called the "Harter Act." The question is one of great interest and importance and has never been passed upon by this Court. It is of great moment that shipowners and merchants should know how far, if at all, the obligations, duties and liabilities of carriers have been altered or relaxed by the recent act of Congress. Many actions are pending in United States courts in

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10 which the defense rests upon the validity and interpretation of the act, and the decisions already rendered under the statute in the lower courts have not been entirely harmonious, either as to the extent of its operation or to the purpose of the legislation.

The petitioner believes that this was the first case in which the third section of the act was construed by any Circuit Court of Appeals (68 Fed. Rep., 230), and the first in which it was sustained as an exemption from responsibility for damage to cargo upon a foreign vessel at sea.

11 In view of the writ of *certiorari* having been granted, persons engaged in mercantile pursuits naturally await the decision of this Court before finally accepting the construction of the act adopted in the court below.

The question involved is one of gravity and importance, and in the belief of the petitioner is one which ought to be decided by this Court as promptly as the business of the Court will reasonably permit.

RED CROSS LINE,

Petitioner.

By CONVERS & KIRLIN,

Its Proctors.

NEW YORK, October 9, 1896.

12 I hereby certify that I have examined the foregoing petition, and that, in my opinion, the case is one in which the prayer of the petitioner should be granted.

J. PARKER KIRLIN,

Of Counsel.

No. 370. 79

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CLERK

Supreme Court of the United States,

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Claimant, Appellee.

No. 370.

MEMORANDUM FOR APPELLANT ON MOTION TO
ADVANCE.

The appellant acknowledges service of the notice of motion to advance, dated October 9, 1896, and concurs in the application.

HARRINGTON PUTNAM,
CHARLES C. BURLINGHAM,
Proctors for Appellant.

NEW YORK, October 12th, 1896.